

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
AGENDA
January 7, 2014
6:30 P.M.**

- I. ROLL CALL

- II. APPROVAL OF MINUTES - August 6, 2013

- III. ACTION ITEM
BZA2014-01 Request for a Variance from P.V.M.C. 19.44.015C
To increase the height of the steeple from 75 feet to 106 feet
6641 Mission Road
Zoning: R-1a Single Family Residential District
Applicant: Matt Schlicht, Engineering Solutions for
Village Presbyterian Church

- IV. OTHER BUSINESS
Election of Officers

- V. OLD BUSINESS

- VI. ADJOURNMENT

If you cannot be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, JANUARY 7, 2014**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, January 7, 2014 in the Council Chambers of the Municipal Building at 7700 Mission Road. Chairman Randy Kronblad called the meeting to order at 6:30 p.m. with the following members present: Bob Lindeblad, Nancy Vennard, Gregory Wolf and Ken Vaughn. Also present in their advisory capacity to the Board of Zoning Appeals were: Ron Williamson, Planning Consultant, Kate Gunja, Assistant City Administrator; Danielle Dulin, Assistant to the City Administrator; Jim Brown, Building Official and Joyce Hagen Mundy, Board Secretary.

APPROVAL OF MINUTES

Ken Vaughn moved the minutes of the August 6, 2013 meeting of the Board of Zoning Appeals be approved as written. The motion was seconded by Gregory Wolf and passed unanimously.

**BZA2014-01 Request for a Variance from P.V.M.C. 19.44.015C
To increase the height of the steeple from 75 feet to 106 feet
6641 Mission Road**

Chairman Randy Kronblad reviewed the procedures for the public hearing. The Secretary confirmed that the Notice of Public Hearing was published in the Johnson County Legal Record on Tuesday, December 17, 2013 and all property owners within 200' were mailed notices of the hearing.

Randy Kronblad called upon the applicant to present the application.

Brian Rathsam, with Mantel Teter representing Village Presbyterian Church stated the Village Presbyterian Church is proposing to build an addition of the west side of the church. As part of the new addition the applicant proposes to remove the existing church steeple and replace it with a new steeple on the south end of the proposed addition. The maximum height permitted for a steeple is 75 feet. The height of the existing steeple is 99.81 feet and the applicant is requesting a height of 99 feet. The height of the ridgeline of the roof of the proposed addition in this area is approximately 32 ft. and the proposed steeple would extend 67 ft. taller.

Ron Williamson stated Section 19.44.015.C allows cupolas, domes, spires, etc. not to exceed a maximum height of seventy-five feet. The proposed height is 99 ft. which would be a variance of 24 ft.

Mr. Williamson stated staff reviewed copies of the original plans which were prepared in 1947. At that time, the steeple was designed, and assumed built, to a height of about 87 ft. The brick tower base was 33.5 ft. in height, a mid-section was 5.5 ft., and the steeple portion was 48 ft. In 1952 an expansion was designed and the steeple was relocated. The top 48 ft. of the steeple was relocated. The mid-section was increased in height from 5.5 ft. to 16 ft. and the base tower was increased from 33.5 ft. to 36 ft. The total steeple was increased in height from 87 ft. to approximately 100 ft. in height. This height was verified by a survey that determined the height at 99.81 ft.

At the time the steeple was constructed in 1954, the zoning ordinance did not have a height limitation of steeples. In 1971, an ordinance was adopted, but it was very vague and in 1995 when the zoning ordinance was amended, and a height for steeples was set at 75 ft. Therefore, the existing steeple is a legal nonconforming structure and can be maintained and repaired but cannot be relocated unless it conforms to the required maximum height.

The applicant has amended its request from 106 ft. to 99 ft. to keep the same steeple height as currently exists. Because the current steeple is nonconforming and is being relocated, a variance must be granted in order for it to be built to the 99 ft. height.

The applicant held a neighborhood meeting on November 25, 2013 in accordance with the Citizen Participation Policy. Four neighbors attended and the questions primarily dealt with the noise of the cooling tower, parking, stormwater, and landscaping. There were no comments regarding the steeple height.

Gregory Wolf asked if there were any objections to the new location. Mr. Rathsam replied none that he was aware of. Mr. Williamson noted an e-mail had been received opposing the 31 feet increase in height; however, the neighbor was not aware that the existing steeple is nearly 100 feet in height and that the applicant amended the variance request to 99 feet, the height of the existing steeple.

With no one present to speak on this application, the public hearing was closed at 6:42

Chairman Randy Kronblad led the Board in the following review of the findings required for the variance:

A. Uniqueness

That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.

There is nothing unique about this property in terms of topography, grade, shape or size. The existing steeple is located approximately 91 ft. from Mission Road and is 99.81 ft. in height, while the proposed steeple will be 35 ft. from Mission Road and 99 ft. in height.

The only uniqueness for this site is that the church steeple has been approximately 100 ft. in height for nearly 60 years and is in scale with the rest of the church complex. The new addition will enlarge the church and the steeple will be in scale with the size of the building. It should also be noted that if the steeple remained in its current location, it could be maintained and left in that location forever.

Bob Lindeblad noted the change in the code after the existing steeple was constructed was not an action created by the applicant and moved the Board find that the variance does arise from a condition unique to this property. The motion was seconded by Greg Wolf and passed by a vote of 5 to 0.

B. Adjacent Property

That the granting of the permit for the variance would not adversely affect the rights of adjacent property owners or residences.

The church is the only use on the east side of Mission Road from 66th Street to Tomahawk Drive. The Prairie Elementary School is across the street to the west. There are single-family dwellings on the east side of the church, but they are far enough away that they should not be affected. The variance would not have an adverse effect on the rights of adjacent property owners or residents.

Gregory Wolf moved the Board find that the variance does not adversely affect the rights of adjacent property owners or residences. The motion was seconded by Ken Vaughn and passed by a vote of 5 to 0.

C. Hardship

That the strict application of the provisions of these regulations from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.

The steeple has been at approximately 100 ft. in height for nearly 60 years, and has been an aesthetic and defining feature of the church. The church is a large building and the steeple is in scale with the rest of the building. Based on the size of this church complex, the proposed steeple is in proportion to the size of the church and the reduction in its size would constitute an unnecessary hardship on the applicant.

Nancy Vennard stated the proposed steeple is in proportion to the size of the church and to deny the variance would constitute an unnecessary hardship upon the property owner. The motion was seconded by Ken Vaughn and passed by a vote of 5 to 0.

D. Public Interest

That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare

The proposed steeple is still going to be a significant distance from any other dwelling and it is not going to adversely affect views or aesthetics and therefore, it will not adversely affect public health, common morals, common order, common convenience, common prosperity, or general welfare.

Ken Vaughn moved the Board find that the variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The motion was seconded by Gregory Wolf and passed by a vote of 5 to 0.

E. Spirit and Intent of the Regulation

That the granting of the variance desired would not be opposed to the general spirit and intent of these regulations.

The applicant is requesting a 32% increase in the height of the steeple which is very significant. The intent of the ordinance is to keep building heights and appurtenances in scale with other development in the City. This is a large building and the steeple has been of this height for sixty years, and therefore, it is not opposed to the spirit and intent of the ordinance.

Ken Vaughn moved that the Board find that the variance is not opposed to the general spirit and intent of these regulations. The motion was seconded by Gregory Wolf and passed by a vote of 5 to 0.

Bob Lindeblad moved that the Board having found all five of the conditions being met grant a variance from 75 feet to 99 feet in height for the proposed steeple on the Village Presbyterian Church at 6641 Mission Road. The motion was seconded by Gregory Wolf and passed by a vote of 5 to 0.

OTHER BUSINESS

Election of Officers

Gregory Wolf moved Randy Kronblad be elected as Chairman of the Board of Zoning Appeals. The motion was seconded by Bob Lindeblad and passed 5 to 0.

Bob Lindeblad moved Nancy Vennard be elected as Vice-Chairman of the Board of Zoning Appeals. The motion was seconded by Gregory Wolf and passed 5 to 0.

ADJOURNMENT

Chairman Randy Kronblad adjourned the meeting of the Board of Zoning Appeals at 6:50 p.m.

Randy Kronblad
Chairman